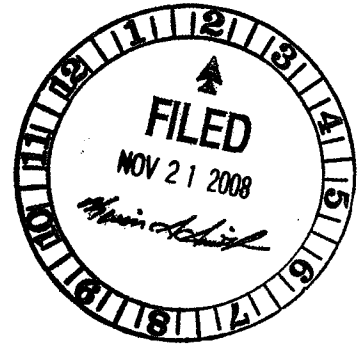


In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR VANDERBURGH COUNTY)

Case No. 82S00-0811-MS-6014

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Vanderburgh Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

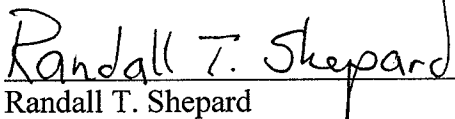
Upon examination of the proposed rule amendment requested by the Vanderburgh Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR82-AR-00-1.02 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website at least thirty (30) days prior to taking effect on January 1, 2009.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR82-AR-00-1.02 for Vanderburgh County Courts, set forth as an attachment to this Order, is approved effective January 1, 2009. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website at least thirty (30) days prior to January 1, 2009. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Scott R. Bowers, Vanderburgh Superior Court, 825 Sycamore, #120, Evansville, IN 47708-1885; the Hon. Carl A. Heldt, Vanderburgh Circuit Court, 825 Sycamore, #210, Evansville, IN 47708-1885; the Hon. J. Douglas Knight, Vanderburgh Superior Court, 825 Sycamore, #118, Evansville, IN 47708-1885; the Hon. Mary Margaret Lloyd, Vanderburgh Superior Court, 825 Sycamore, #218, Evansville, IN 47708-1885; the Hon. Brett J. Niemeier, Vanderburgh Superior Court, 825 Sycamore, #126, Evansville, IN 47708-1885; the Hon.

Robert J. Pigman, Vanderburgh Superior Court, 825 Sycamore, #122, Evansville, IN 47708-1885; the Hon. Robert J. Tornatta, Vanderburgh Superior Court, 825 Sycamore, #225, Evansville, IN 47708-1885; the Hon. Wayne S. Trockman, Vanderburgh Superior Court, 825 Sycamore, #116, Evansville, IN 47708-1885; and to the Clerk of the Vanderburgh Circuit Court.

The Clerk of the Vanderburgh Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website at least thirty (30) days prior to January 1, 2009.

DONE at Indianapolis, Indiana, this 21st day of November, 2008.


Randall T. Shepard
Chief Justice of Indiana

LR82-AR00-1.02

Case Allocation Plan

(A)Balance within Superior Court.

The Vanderburgh Superior Court is divided into seven Divisions as follows:

1. Division I – Civil
2. Division II – Criminal
3. Division III – Civil
4. Division IV – Domestic Relations
5. Division V – Civil
6. Division VI – Criminal, Small Claims and Misdemeanor/Traffic
7. Division VII – Juvenile and Probate

Divisions I through VI are presided over by six of the Judges who rotate through these Divisions on a monthly basis.

Division VII is presided over by a single Judge. This assignment is a one year minimum assignment.

All Felony criminal cases (MR, FA, FB, FC, FD) and civil cases (PL, MF, CC, CT, MI, PO) are assigned to one of the six rotating Judges by blind lot in the order presented for filing. The County utilizes Court View 2000 software package which evenly distributes the cases among the Judges. This software also adjusts the new case assignments to account for recusals so that every attempt is made to evenly distribute the case load among the six rotating Judges. All miscellaneous felony criminal matters (MC) are assigned to Division II. Each Judge rotates through this Division for a one month period, according to the schedule set out in the first paragraph, so that each Judge serves two non-consecutive months a year in this Division. The Judge serving in Division VI also serves as a backup for Division II.

All Domestic Relations (DR) matters are assigned to Division IV. Each Judge rotates through this Division for a one month period according to the schedule set out in the first paragraph, so that each Judge serves two non-consecutive months a year in this Division. In addition, four Magistrates rotate through this Division so that each Magistrate presides in Division IV for three non-consecutive months a year.

Cases over which Juvenile Court has concurrent original jurisdiction involving adults charged with the crime of contributing to delinquency (IC 35-46-1-8) or adults charged with violating the compulsory school attendance law (IC 20-8.1-3) shall be assigned to the Juvenile Division of the Vanderburgh Superior Court and presided over by the Judge assigned to Juvenile Court or the Magistrate assigned thereto. All remaining Misdemeanor and Traffic (CM, IF) cases shall be assigned to Division VI. These cases are presided over by four Magistrates subject to the supervision of one of the Judges. The Magistrates rotate through on a monthly basis serving three non-consecutive months a year.

All Small Claims (SC) and Ordinance Violation (OV, OE) cases are assigned to Division VI. These cases are presided over by four Magistrates subject to the supervision of one of the Judges. The Magistrates rotate through on a monthly basis serving three non-consecutive months a year. There is an assignment of one Magistrate to hear all OE cases in a court set up and named "Housing Court".

Mental Health cases are also assigned to Division VI and are heard by the

presiding Judge or Magistrate presiding in Small Claims for that month.

All Probate and Juvenile matters (JS, JT, JP, JM, AD, AH, ES, EU, GU, TR, JC, JD) are assigned to Division VII. This Court is presided over by the Judge who does not participate in the rotation schedule set out in paragraph one. There is one Magistrate assigned to Juvenile Court. This Magistrate assignment is a one year minimum assignment.

The rotating schedules and the use of the Court View 2000 software creates a nearly as is possible a completely even distribution of the work load within Superior Court.

(B)Balance between Circuit and Superior Courts. The Circuit Court hears both civil and felony criminal cases. After a review of the Weighted Caseload Study for both Circuit and Superior Courts, the Judges of both Courts have unanimously agreed that no adjustment between the Courts is necessary for the following reasons:

1. The random method of assigning newly filed felony cases to Circuit or Superior Court, as adopted by both Courts, assigns four cases to Circuit Court for every three cases that are assigned to Superior Court. This results in Circuit Court being assigned more felony cases, including more serious felony cases, than Superior Court. This results in a heavier criminal jury trial schedule in Circuit Court.
2. Circuit Court assumes responsibility for and administers all Grand Juries called to hear cases in Vanderburgh County.

3. Circuit Court administers the Adult Felony Probation Department for both Courts.
4. Circuit Court administers the Alcohol Intensive Supervision Program and the Drug Intensive Supervision Program for both Courts.
5. Recognition by the Judges of both Courts that the general administration responsibilities of Superior Court are shared by seven Judges while the Circuit Court Judge assumes the total burden of these duties for Circuit Court. The Judges of the Vanderburgh Circuit and Superior Courts unanimously believe that the current procedures comply with the Order for Development of Local Caseload Plans.